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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,986	03/07/2001	Rose Mary Farenden	200-1765	6663

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EXAMINER

STIMPAK, JOHNNA

ART UNIT PAPER NUMBER

3623

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,986

Applicant(s)

FARENDEN, ROSE MARY

Examiner

Johnna R Stimpak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/7/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a first office action upon examination of application number 09/800,986.

Claims 1-13 are pending and have been examined on the merits discussed below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. **Claims 1, 2, 4-6 and 9** are rejected under 35 U.S.C. 102(e) as being anticipated by

Nadkarni, US 6,266,659

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

As per **claim 1**, Nadkarni teaches receiving input defining a plurality of employment requisitions wherein each employment requisition has associated candidate matching criteria (column 5, lines 40-64 – the employer queries the candidate information based on the requirements of the position opening); hosting an interactive interface for presenting a plurality

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of candidates with an employment skills questionnaire (column 2, lines 27-41 – an interface is provided to collect candidate information relating to skills, education, availability, etc.) ; assessing each candidate based on a comparison between each candidate's employment skills and the candidate matching criteria (column 9, line 39 – column 10, line 9 – an assessment is made of the candidate's information to determine a suitable candidate for the employer's preferences); and hosting an interactive interface for allocating the employer-hosted recruiting event invitations to candidates wherein the invitations are allocated based on the assessment (column 10, lines 10-16 – once the preferred candidate is identified, the system automatically contacts the candidate to schedule an interview).

As per **claim 2**, Nadkarni teaches hosting an interface for presenting a profile of each candidate wherein each profile comprises an assessment of how well a candidate's employment skills match the candidate matching criteria (column 9, lines 39-58 – the system uses pattern matching algorithms to match the employer's needs with a candidate who fulfills the needs. If an employer requires specific skills, the system can automatically include those candidates who have the skills that are functionally superior of the ones specified by the employer in the search).

As per **claim 4**, Nadkarni teaches hosting an interface for defining and scheduling the employer-hosted recruiting event (column 10, lines 10-16 – the system provides means for scheduling an interview with the candidate. These means request the employer to specify a preferred time, mode of interview, contact information, etc. The system then automatically alerts the administrator to contact the candidate to schedule the interview).

As per **claim 5**, Nadkarni teaches hosting an interface for receiving an assessment of each candidate attending an employer-hosted recruiting event (column 2, lines 27-41 – an interface is provided to collect candidate information relating to skills, education, availability, etc; column 9, line 39 – column 10, line 9 – an assessment is made of the candidate's information to determine a suitable candidate for the employer's preferences).

As per **claim 6**, Nadkarni teaches the assessment comprises an assessment of a candidate's interview performance (column 2, lines 27-41 – the system "interviews" the candidate to collect pertinent information regarding employment criteria; column 9, line 39 – column 10, line 9 – an assessment is made of the candidate's information to determine a suitable candidate for the employer's preferences).

As per **claim 9**, Nadkarni teaches presenting each candidate's assessment in real-time during the employer-hosted recruiting event (column 9, line 59 – column 10, line 9 – upon finishing the search, an assessment is performed and relayed to the employer for review in the form of graphical or tubular representation of the suitable candidates).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 7, 8 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nadkarni, US 6,266,659.

As per **claim 3**, Nadkarni teaches each candidate profile additionally comprises an assessment based on the questionnaire (column 2, lines 27-41 – an interface is provided to collect candidate information relating to skills, education, availability, etc.), but does not explicitly teach an assessment of the candidate's leadership behaviors. It is old and well known to one of ordinary skill in the art of recruiting that skills such as leadership, among others, are gathered during the collecting of candidate history information. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nadkarni to specify the inclusion of collecting leadership skills depending on the position opening. For example, if the position opening were for a team leader, manager, etc., it would be crucial to the selection process to collect candidate information pertaining to leadership qualities, experience and/or skills for better selection of an appropriate candidate for the job.

As per **claim 7**, Nadkarni does not explicitly teach the assessment comprises an assessment of a candidate's performance during a group observation exercise. However it is old and well known to use group interviews or observation exercises to evaluate candidates for a job position to observe group interaction and/or participation and how the candidates behave or stand out among their peers. Since Nadkarni teaches collecting information on an individual basis, and given the well known benefits of group observations described above, it would have been obvious to one of ordinary skill in the art at the time of the invention to include an assessment of the group observation exercises in selecting a candidate because the group observation can indicate if a candidate interacts well with existing as well as potential employees thereby identifying the best candidates.

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As per **claim 8**, Nadkarni does not explicitly teach the assessment comprises a placement recommendation for the candidate wherein the recommendation is based on the candidate's discussion with a mentor. However, it is old and well known to recommend a candidate for a position based on his or her interactions with an existing employee. Nadkarni teaches using interviewing to make the selection therefore it would have been obvious to have the candidate interview with an employee that would serve as a mentor to determine if the candidate would be a good fit in the organization. This would lead to a more confident selection of a candidate.

As per **claim 10** Nadkarni teaches automatically sending an interview request based on the assessment but does not explicitly teach sending selected candidates and offer letter in an electronic format prior to the conclusion of the employer-hosted recruiting event. However it is old and well known in the art of recruiting to send an offer letter to those candidates matching the employers needs for an available position. It would have been obvious to one of ordinary skill in the art to modify Nadkarni to include sending an offer letter to candidates as a way to inform the candidates of the job offer.

As per **claim 11**, Nadkarni does not explicitly teach defining a plurality of university-specific recruiting web pages wherein each page comprises information for candidates regarding recruiters and on-campus recruiting activities at their university. However it is old and well known for an employer to include a recruiting event schedule for colleges and universities on their career or job opening web pages. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nadkarni to include a place for job candidates who may be enrolled in college to search for upcoming local recruiting events as is done on most large company websites, this way the potential job candidates would have a forum to meet with

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employers to determine if the company would be right for them. Alternatively it would act as a screening tool for the employer to use on interested students.

As per **claim 12**, Nadkarni does not explicitly teach defining hiring objectives wherein the hiring objectives comprise a target number of hires and diversity initiatives. However it is old and well known in the art of recruiting to specify a target number of hires and diversity initiatives. It would have been obvious to specify a target number of hires because it is well known that a company cannot hire every candidate available. It is well known that for any given open position that there are a specific number of spots to fill. As for diversity initiatives, it is old and well known that more and more employers are striving to fulfill diversity initiatives to meet the equal employment opportunity laws. It would have been obvious to incorporate both of these limitations into Nadkarni to have a more efficient hiring process and to abide by federal law.

As per **claim 13**, Nadkarni teaches specifying employment criteria but does not explicitly teach defining hiring objectives presents a recruiting status report indicating the degree to which the hiring objectives have been met. However it is old and well known in the art of recruiting to specify hiring objectives and indicate if the objectives have been met. It would have been obvious to one of ordinary skill in the art at the time of the invention to specify the degree to which the hiring objectives have been met as an indicator of how many candidates should be screened or interviewed or selected. This makes the hiring process more efficient since the employer would be updated as to the status of hiring objectives and would thereby only continue the hiring process for as long as needed.

Conclusion

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kurzius, US 6,385,620 – system and method for the management of candidate recruiting information

Joao, US 6,662,194 – apparatus and method for providing recruitment information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R Stimpak whose telephone number is 703-305-4566. The examiner can normally be reached on M-F 8am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS
11/1/2004


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